

U.S. DISTRICT COURT  
DISTRICT OF N.H.  
FILED  
2012 JUN 26 2:11 PM  
United States District Court  
Chief Justice Steven McAuliffe  
55 Pleasant Street, Room 110  
Concord, New Hampshire 03301 - 3941

Dated: June 25, 2012

Re: Complaint To Recuse Judge Joseph La Plante  
Docket Number 1:11-CR-06-001-L

DEAR CHIEF JUSTICE Mc AULIFFE,

I FILED A MOTION TO RECUSE Judge Joseph N. LA PLANTE FROM DOCKET NUMBER 1:11-CR-06-JL ON SEPTEMBER 14, 2011 AND I NEVER RECEIVED ANY ANSWER FROM MY MOTION.

CHIEF JUSTICE STEVEN Mc AULIFFE, I HAVE BEEN HELD SINCE FEBRUARY 18, 2011 ON A NO BAIL STATUS, ON COMPETENCY SINCE ATTORNEY PAUL GARRITY WAS APPOINTED TO MY CASE.

I WAS COURT-ORDER ON April 22, 2011 by Judge LA PLANTE to get a Competency Hearing, AND ON April 29, 2011 I WAS REMOVED FROM STAFFORD SUPERIOR HOUSE OF CORRECTION to be TRANSFERRED to UNITED STATES DEPARTMENT OF JUSTICE FEDERAL BUREAU OF PRISONS, FEDERAL MEDICAL CENTER, DEVENS MASSACHUSETTS, to UNDER GO A COMPETENCY EVALUATION, WHICH WAS CONDUCTED AND COMPLETED by DR. MIRIAM KISSIN A FORENSIC PSYCHOLOGIST AT THE FEDERAL MEDICAL CENTER IN DEVENS.

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ON July 12, 2011, DR. KISSIN Submitted her Competency Evaluation Report to WARDEN J. GRONDOLSKY, AND ON July 18, 2011 the WARDEN SENT to the Honorable Judge LA PLANTE A 15 OF 15 page Report OF DR. KISSIN Findings that she did the Competency Evaluation at the Federal Medical Center, From April 29, 2011 to JUNE 23, 2011.

IN DR. KISSIN CONCLUSION, BASED ON her Facts AND Findings, that I WAS VERY much Competent to STAND trial, BASED ON ALL the AVAILABLE INFORMATION she had, AND in her opinion that despite my APPARENT CHRONIC mood Symptoms, My Competency - Related Skills ARE NOT Significant Compromised by Symptoms OF ANY SERIOUS MENTAL illness, such that I AM ABLE to UNDERSTAND the NATURE AND CONSEQUENCES OF the PROCEEDINGS AGAINST ME AND I WAS ABLE to ASSIST properly in my OWN DEFENSE. MEANING I WAS Competent.

ON August 13, 2011, Judge LA PLANTE Ruled I WAS Competent to STAND trial, AND Right AFTER that, my OWN ATTORNEY who WAS VERY much Appointed to me by Judge LA PLANTE ATTORNEY Paul J. GARRITY ASKED FOR ANOTHER Competency HEARING OVER my OBJECTION, SINCE I WAS Competent to STAND trial I did NOT WANT ANOTHER Competency EVALUATION HEARING AND I WAS Ready FOR trial, but I WAS COURT-ORDERED by the dishonorable Judge JOSEPH N. LA PLANTE to HAVE ANOTHER Competency HEARING.

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When my Court appointed Attorney Paul J. Garrity asked for yet another competency evaluation right after I was ruled competent by the Court. I thought it was very odd for Judge LaPlante to Court order yet another competency hearing, after the experts the Federal Bureau of Prisons who do have experts in the field of competency evaluation, like Dr. Miriam Kissin who did find me competent, would Court order me to another competency hearing right after I was found competent and over my objection.

So, I thought Chief Justice Steven McAuliffe that there was a Criminal Bond between Attorney Paul J. Garrity and Judge LaPlante who appointed me Attorney Garrity in the first place, on February 18, 2011. So, I did look into any ineffective assistance of counsel that might of been filed on my Court order appointment of counsel, and there was a 2004 case in which Judge LaPlante was involved with Attorney Paul J. Garrity, and that case was United States v. Bruce Belton in 2004, when Judge LaPlante was a prosecutor and defendant Bruce Belton was represented by Attorney Garrity, and prosecutor LaPlante offered a 5 year pre-indictment deal to Attorney Paul J. Garrity, who never told his client Bruce Belton of the 5 year deal that prosecutor LaPlante offered, and Bruce Belton went to trial and received 23 years after trial.



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So, I Found A CITED CASE LAW Which Took PLACE IN THE DISTRICT OF NEW HAMPSHIRE AND IT WAS FILED AGAINST ATTORNEY GARRITY BY BRUCE BELTON V. UNITED STATES, D. N. H. 113 (DATED JULY 15, 2010) IN WHICH MR. BELTON ACCUSED ATTORNEY GARRITY OF INEFFECTIVE ASSISTANCE OF COUNSEL FOR NOT DISCLOSING THE 5 YEAR PRE-INDICTMENT DEAL THAT PROSECUTOR LA PLANTE OFFERED MR. BELTON, AND A LOT OF OTHER UNPROFESSIONAL AND UNETHICAL CONDUCT THAT WAS DONE IN BRUCE BELTON'S TRIAL ALSO OCCURED IN MY CASE SOME 7 YEARS LATER.

When I Found out Chief Justice STEVEN Mc AULIFFE OF this cited CASE LAW I did FILE A MOTION TO RECUSE WITH A SUPPORTING AFFIDAVIT AGAINST Judge LA PLANTE, WHEN I SAW AND HAVE THE CITED CASE LAW AND NOW! THAT Judge LA PLANTE APPOINTED ME KNOWINGLY, PURPOSELY AND RECKLESSLY AND INEFFECTIVE ASSISTANCE OF COUNSEL IN MY DOCKET NUMBER 1:11-CR-06-01-JL IS AGAINST MY GUARANTEE CONSTITUTIONAL RIGHT, UNDER THE SIXTH AND FOURTEETH AMENDMENTS TO THE UNITED STATES CONSTITUTIONAL RIGHT. ALSO SEE FARETTA V. CALIFORNIA, 422 U.S. 806, 45 L. Ed. 2d 562, 95 S. Ct. 2525.

So I WAS COURT ORDERED TO ANOTHER Competency HEARING BY COURT ORDER OF Judge LA PLANTE ON OCTOBER 11, 2011 WHICH I CLEARLY OBJECTED TO YET ANOTHER Competency EVALUATION, WITH DR. MART WHO ONLY PARROTED DR. KISSIN COMPETENT

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Report, but DR. ERIC G. MART OF 311 HIGHLANDER WAY, MANCHESTER, NEW HAMPSHIRE FOUND ME INCOMPETENT AT THE STRAFFORD COUNTY HOUSE OF CORRECTION FOR A ONE HOUR COMPETENCY HEARING HELD AT THE JAIL, FOR ONE HOUR, BUT I WAS ADMITTED FOR 56 DAYS AT THE FEDERAL MEDICAL CENTER IN DENVER IN WHICH I HAD SEVERAL VISITS AND TEST FOR 56 DAYS IN WHICH THE FEDERAL BUREAU OF PRISONS ARE EXPERTS IN THE FIELD OF COMPETENCY EVALUATIONS AND I WAS FOUND COMPETENT TO STAND TRIAL, AND I HAVE AT BEST A ONE HOUR TEST AND FOUND TO BE INCOMPETENT. COMMON SENSE WILL TELL YOU THAT BEING ADMITTED AND WATCHED FOR 56 DAYS FAR OUT WEIGHS DR. MARTS MAYBE ONE COMPETENT HEARING AND THIS DOCTOR WAS AN EXPERT AND HIRED BY ATTORNEY PAUL J. GARRITY, WHO HAS INEFFECTIVE COUNSEL CLAIMS AGAINST ME THAT ARE CITED CASE LAWS.

When DR. MART SUBMITTED HIS INCOMPETENCY REPORT TO THE COURT, HE STATED THAT IF MR. MAHONEY WAS GIVEN HIS RIGHT MEDICATIONS HE COULD BE RESTORED TO COMPETENCY, AND ON NOVEMBER 22, 2011, I WAS TRANSFERRED TO CHESHIRE COUNTY JAIL FROM STRAFFORD COUNTY JAIL, BECAUSE STRAFFORD COUNTY REFUSED TO GIVE ME XANAX 1 mg. 3 TIMES A DAY AND SEROQUEL 100 mg. THREE TIMES A DAY, AND I HAVE BEEN ON ALL OF MY CORRECT MEDICATIONS FOR THE PAST 6 MONTHS, AND I AM VERY COMPETENT TO STAND TRIAL,

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WELL, AFTER BEING FOUND INCOMPETENT AND ON ALL MY CORRECT MEDICATIONS INCLUDING MY XANNAX, WE WENT BACK TO COURT ON MARCH 27, 2012; AND JUDGE LA PLANTE STATED HE WANTED TO BREAK THE TIE BETWEEN DR. KISSIN AND DR. MART, BUT TO MY SHOCK AGAIN THE JUDGE COURT ORDERED TO BREAK THE TIE WITH DR. MART AGAIN, AND AGAIN I DID OBJECT AND AGAIN DR. MART CONDUCTED HIS SECOND COMPETENCY HEARING WITH DR. MART, AND I INFORMED MY ATTORNEY TO GET YET ANOTHER COMPETENT HEARING WITH A DIFFERENT DR. TO BREAK THE TIE, AND AGAIN COURT ORDERED TO HOLD THE SECOND COMPETENCY HEARING WITH DR. MART AT THE UNITED STATES COURTROOM WHICH I KNEW EVEN WITH MY CORRECT MEDS, DR. MART INFORMED TO THE COURT AGAIN THAT I WAS INCOMPETENT, AND NOW WITH TWO INCOMPETENT HEARINGS AND ONE WITH THE BUREAU OF FEDERAL PRISONS DR. KISSIN, I AM INCOMPETENT, BUT THERE IS NO FINAL RULING ON MY COMPETENCY YET.

I WAS ABLE TO DISMISS ATTORNEY GARRITY ON JUNE 01, 2012 BY THE NEW HAMPSHIRE ATTORNEY DISCIPLINE OFFICE. ATTORNEY JAMES DEVITO INFORMED JUDGE LA PLANTE TO DISMISS ATTORNEY GARRITY IN MY OPINION FOR INEFFECTIVE ASSISTANCE OF COUNSEL, EVEN THOUGH JUDGE LA PLANTE WAS AGAINST IT, IT WAS THE SUPREME COURT WHO DISCIPLINE ALL BAR ATTORNEYS NOT THE FEDERAL COURT, SO JUDGE LA PLANTE HAD NO CHOICE BUT TO DISMISS HIM.

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With ATTORNEY GARRITY dismissed I am trying to get all of DR. MART'S two hour Competency Hearings dismissed as well, because it was ATTORNEY GARRITY who did hire DOCTOR MART to FALSELY STATE I am INCOMPETENT, when the BUREAU OF PRISONS found me COMPETENT to stand trial. DR. MART NEVER gave me a complete Competency Hearing which was LESS than two hours and FEDERAL MEDICAL CENTER in DEVER, MA. gave me a totally complete Competency Hearing in which I stayed at Fort DEVER for 56 days, when Judge La Plante only asked for a 30 day EVALUATION of Competency.

I am ASKING you CHIEF JUSTICE STEVEN McAULIFFE to Dismiss or RECUSE Judge LA PLANTE in this case which is 31 YEARS old and the indictment was on or about July 31, 2010, which means on July 31, 2010 or about which means around up to 5 days and any indictment that is over two months old is CONSIDERED STALE. SEE UNITED STATES V. MCKINLEY (1901), which CLEARLY does state that a indictment which is over two months old should be dismissed, and ATTORNEY SCHULMAN is FALSELY stated that the FEDERAL COURT can hear an indictment that clearly shows that I lived in NEW HAMPSHIRE from July, August, September, and October, that is OVER 4 months indictment should be dismissed.

cc/FILE Sincerely, Brown Maly

# EXHIBITS



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

U.S. DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

2011 JAN 19 AM 11:34

UNITED STATES OF AMERICA

v.

1:11-cr-6-01-JL

BRIAN E. MAHONEY

INDICTMENT

The Grand Jury charges:

COUNT ONE

Between on or about July 31, 2010 and November 5, 2010, in the Districts of New Hampshire and Massachusetts, the defendant

**BRIAN E. MAHONEY,**

an individual required to register under the Sex Offender Registration and Notification Act, who traveled in interstate commerce from the State of New Hampshire to Massachusetts, knowingly failed to update his sex offender registration in the State of New Hampshire, as required by the Sex Offender Registration and Notification Act.

In violation of Title 18, United States Code, Section 2250(a).

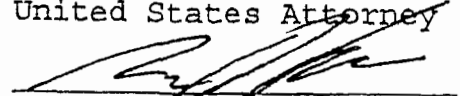
January 19, 2011

TRUE BILL

  
Grand Jury Foreperson

John P. Kacavas  
United States Attorney

By:

  
Arnold H. Huftalen  
Assistant U.S. Attorney

JAN-21-2011 08:23 From:

To: 6177046754

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AO 442 (Rev. 01/09) Arrest Warrant

## UNITED STATES DISTRICT COURT

for the

District of New Hampshire

United States of America

v.

Brian Mahoney

Defendant

Case No. Cr. No. 11-CR-6-01-JL

## ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) Brian Mahoney

who is accused of an offense or violation based on the following document filed with the court:

- ☒ Indictment    ☐ Superseding Indictment    ☐ Information    ☐ Superseding Information    ☐ Complaint  
☐ Probation Violation Petition    ☐ Supervised Release Violation Petition    ☐ Violation Notice    ☐ Order of the Court

This offense is briefly described as follows:

Failure to Register as Sex Offender

Date: 1/20/2011

City and state: Concord, New Hampshire

Kathy DuPont

Issuing officer's signature

Kathy DuPont Deputy Clerk

Printed name and title

## Return

This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
at (city and state) \_\_\_\_\_.

Date: \_\_\_\_\_

Arresting officer's signature

Printed name and title